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EXAMINER
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HASSAN, RASHEDUL

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2179

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/753,097	<b>Applicant(s)</b> KORTUM ET AL.	
	<b>Examiner</b> Rashedul Hassan	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6,8-13,15-33,35-38 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8-13,15-33,35-38 and 40-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

The examiner acknowledges and appreciates applicant's amendments to the claims filed on 10/01/2007.

Objections to the Specification and to claim 23 made in the Office Action of 07/10/2007, are hereby withdrawn in consideration of Applicant's amendments.

Rejection to claims 38-40 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, are also hereby withdrawn in consideration of Applicant's amendments.

Applicant's arguments have been fully considered but they are not persuasive.

### **Response to arguments for 35 USC § 112 Rejections**

The Office rejected claims 1-22 and 38-40, at pages 3-4 of the Final Office Action, under 35 USC § 112, 1<sup>st</sup> paragraph, as failing to comply with the written description requirement. Applicants argued that "initiating presentation of a Graphical User Interface (GUI) element in response to initiation of a collaborative call" as recited in claim 1, is supported in the specification. Applicants pointed out block 14, 24 and 32 of Fig. 1 and paragraphs 009, 0012 and 0013 as the supporting disclosure for the limitation.

Before evaluating the disclosure for support of the claimed limitation, it needs to be determined what the limitation requires. The Examiner interprets the limitation "initiating presentation of a Graphical User Interface (GUI) element in response to initiation of a collaborative call" to require that the event of initiation of a collaborative call automatically triggers or causes initiation of presentation of a Graphical User Interface element. The Examiner welcomes Applicant's interpretation of the limitation for expedited prosecution of the Application. The Examiner considered the portions of the disclosure pointed out by the Applicants based on such interpretation of the limitation, and concludes that the portions of the disclosure pointed out by the Applicants do not provide support for the limitation.

Block 14 says, "*launch a collaborative call*" and paragraph 009 says, "*At step 14, a portion of a collaborative call may be launched. In some embodiments, this may occur automatically or in response to some cue*". Thus block 14 and corresponding paragraph 009, only mentions of launching a collaborative call, either automatically or in response to a cue, but does not mention anything about a GUI element, let alone "initiating presentation of a Graphical User Interface (GUI) element in response to initiation of a collaborative call".

Block 24 says "*Present host with administrator GUI*" and paragraph 0012 says, "*At step 24, the host may be presented with an administrative GUI having some advanced call*

*controls*". Although, block 24 and paragraph 0012 teach presenting a GUI element at some point after initiation of a collaborative call, none of them say that the presentation is "in response to" initiation of a collaborative call. All they say is that a GUI element is presented after a collaborative call has been initiated, but do not mention or suggest that the presentation of the GUI element is automatically triggered or caused by the event of initiation of the collaborative call.

Block 32 says "*Present participant with user GUI*" and paragraph 0013 says, "*At step 30, the caller may be identified and at step 32 presented with a participant GUI*". Again, all they say is that a GUI element is presented after a collaborative call has been initiated, but do not mention or suggest that the presentation of the GUI element is automatically triggered or caused by the event of initiation of the collaborative call.

Therefore, the Examiner concludes that the argument presented by the Applicants regarding the rejections under 35 USC § 112, 1<sup>st</sup> paragraph, as failing to comply with the written description requirement is not persuasive. As a result, same rejections have been maintained.

**Response to arguments for claims 23-24 and 26**

Applicants argued that Pickett does not disclose or suggest "a participant GUI having an appearance different than a host GUI" as recited in claim 23. The Examiner disagrees. Pickett discloses that with the "office attendant type" program of his

invention, control of the telephony and related functions of an office can be intelligently managed and controlled. One or more computers on the LAN of an office may host the office attendant type program and a party desiring to control the incoming and outgoing calls and/or station to station calls of the office may log-on and run the office attendant type program from one of these computers (see *c13:36-54*). In such a setting, Pickett further teaches that calls may be directed to the computer running the office attendant type program because a main number has been directed to this computer and its associated telephone or headset. In such situations, the party using the office attendant type program may transfer calls to other extensions, either inside or outside the office (see *c18:22-52*) or may initiate a conference call (e.g. using the GUI of Fig. 8A). The Examiner has relied on the GUI presented by the office attendant type program (e.g., the GUI of Fig. 8A and/or Fig. 11E) as reading on the "host graphical user interface" recited in the claim. Regarding the transfer of a call, Pickett further teaches, "the office attendant type program may cause one or more windows to appear on the computers of particular persons in the office, such as a person to whom a call is being directed" (see *c18:38-41*). The Examiner has relied on these "one or more windows" appearing on the computer of a person to whom a call is transferred to read on the "participant GUI" as recited in the claim. About these "one or more windows", Pickett further mentions, "such windows may include, for example, an animated icon, caller ID information, etc., and may include one or more icons the clicking of which causes the call to be answered" (see *c18:35-38*) and also provides an example as shown in Fig. 9C (see *c19:24-45*). Clearly the GUI of Fig. 8A and/or Fig. 11E is different than the GUI illustrated in Fig. 9C

or described in c18:38-41. Thus Pickett teaches "a participant GUI having an appearance different than a host GUI" as recited in claim 23.

Therefore, the Examiner concludes that the argument presented by the Applicants regarding the rejection of claim 23 is not persuasive. The Applicants have not presented any further argument regarding the rejections of claims 24 and 26 besides what has been already discussed with regard to the rejection of claim 23.

**Response to arguments for rejection of claims 1-3, 6-9, 12-13, 15 and 20**

Applicants mention that the Final Office Action admits that Pickett does not disclose initiating presentation of a graphical user interface (GUI) in response to initiation of a collaborative call as recited in claim 1. The Examiner disagrees about the alleged admission. The Final Office Action mentions that Pickett does not "explicitly teach" initiating the display of GUI element 310 "in response to initiation of a collaborative call" according to the interpretation given hereinabove to the limitation "in response to initiation of a collaborative call" (e.g., *Pickett does not explicitly mention that the presentation of the GUI element 310 is automatically triggered or caused by the event of initiation of the collaborative call*). However, the Final Office Action clearly states that such teaching could be implicit in the reference. Pickett describes how to initiate a collaborative call (*particularly a conference call*) with reference to Fig. 8A, and Fig. 11A-11C (*see c22:21-46 for details on how to initiate a conference call*). Then he

mentions, *"Still preferably, conference call monitor window 310 may be displayed by the office attendant type program, as illustrated in Fig. 11E. As illustrated, window 310 may include window 312 for displaying an identification of all attendees participating in the conference call"* (see c23:47-51). It is clear from the above citation that presentation of the GUI 310 of Fig. 11E is initiated because of initiation of a conference call since GUI 310 is explicitly mentioned to be for "monitoring" a conference call. Also, "monitoring" implies after initiation of the call since the task of monitoring a call comes only after a call has been initiated and currently underway. Furthermore, the above citation explicitly mentions that window 312 displays an identification of all attendees "participating" in the conference call. The phrase "participating" also implies that the call has been initiated and currently underway. But, Pickett does not explicitly mention that the display of the conference call monitor window 310 is automatically triggered or caused by the event of initiation of the conference call, as required by the interpretation of the limitation "in response to initiation of a collaborative call". But the technique of displaying GUI elements automatically triggered by some event is considered to be a common knowledge in the art at the time of the invention. For example, Bayless explicitly teaches displaying a GUI element, e.g., a conference call container, when a user initiates a conference call (see *Bayless, Fig. 38 and c26:51-67*). In fact, the very evidence of this common knowledge can be found in Pickett reference itself. Pickett explicitly teaches employing the technique of displaying GUI elements automatically triggered by some event, in other words, in response to an event. For example, Pickett teaches, *"in the event of a failed transfer, ..., a window preferably is automatically displayed on the computer running the office*



*attendant type program. An exemplary window 208 is illustrated in Fig. 9B" (see c18:64-c19:2).* Therefore, the limitation may very well be implicitly taught by the reference itself. Nevertheless, for the sake of argument if it is considered that Pickett does not implicitly teach that presentation of the GUI element 310 is automatically triggered or caused by the event of initiation of the collaborative call, still the purpose of the GUI element 310 for "monitoring" a conference call together with the common knowledge of employing the technique of displaying GUI elements automatically triggered by some event is considered to provide ample evidence of common knowledge and motivation/suggestion to make the limitation obvious to those of ordinary skill in the art, as a person of ordinary skill has good reason to pursue the known options within his/her technical grasp and such combination is likely the product not of innovation but of ordinary skill and common sense. Therefore, contrary to the assertion by the Applicant that the statement of obviousness presented in the Final Office Action does not include any factual evidence in support of the statement, the Examiner submits that the reference itself provides ample facts, evidence demonstrating the extent of common knowledge and motivation/suggestion relied upon for the obviousness rejection.

It is worth mentioning here that the Applicants mentioned, "In contrast to claim 1, Pickett discloses that a conference icon may be utilized to initiate a conference call" (*see page 11 of the Remarks*). The Examiner agrees that Pickett discloses a conference icon to be utilized to initiate a conference call, but fails to see the contrast or the point the Applicant is trying to prove, since the issue here is not what causes the initiation of the conference call but rather what causes the initiation of the presentation

of the GUI element. Pickett does not say that a conference icon may be utilized to initiate the GUI element 310 of Fig. 11E.

Therefore, the Examiner concludes that the argument presented by the Applicants regarding the rejection of claim 1 is not persuasive. The Applicants have not presented any further argument regarding the rejections of claims 2-3, 6-9, 12-13, 15, and 20 besides what has been already discussed with regard to the rejection of claim 1.

**Response to arguments for rejection of claims 10, 11, 16-19, 25, and 27-28**

Regarding the rejection of claims 10, 11, and 16-19 that depend from claim 1, Applicants argued that since Pickett does not teach initiating presentation of a graphical user interface (GUI) in response to initiation of a collaborative call as recited in claim 1, and Nakata also fails to teach or suggest the limitation, therefore, the asserted combination of Pickett and Nakata fails to disclose or suggest each and every element of claim 1, or of claims 10, 11, and 16-19, at least by virtue of their dependency from allowable claim 1. Since, it has been already discussed that claim 1 is not allowable in view of Pickett, Applicants argument is considered not persuasive.

Similarly the arguments for dependent claims 25, and 27-28 are also considered not persuasive based on the reasoning presented hereinabove with regard to independent claim 23.

**Response to arguments for rejection of claims 1, 3-4, and 21-22**

Applicants mention that the Final Office Action admits that Lee does not disclose or suggest initiating presentation of a graphical user interface (GUI) element in response to initiation of a collaborative call, as recited in claim 1. The Examiner disagrees about the alleged admission. The Final Office Action mentions that Lee does not "explicitly teach" initiating the display of GUI element of Fig. 11 "in response to initiation of a collaborative call" according to the interpretation given hereinabove to the limitation "in response to initiation of a collaborative call" (e.g., *Lee does not explicitly mention that the presentation of the GUI element of Fig. 11E is automatically triggered or caused by the event of initiation of the collaborative call*). However, similar to Pickett, the limitation could be implicit in Lee as well. This is because, like Pickett, Lee also teaches a GUI element (e.g., *the GUI element of Fig. 11*) to be displayed because of and concurrent to initiation of a collaborative call so that a customer can "monitor" and "moderate" the call. Lee says, "After the schedule time 1008 has expired, a first call is placed to the customer 101, and subsequent calls then simultaneously placed with each of the call recipients. Concurrent with the dialing of the call recipients, the customer 101 has the option of monitoring the status of the conference by means of the exemplary graphical user interface illustrated in Fig. 11" (see c10:25-31). It is clear from the above citation that presentation of the GUI of Fig. 11 is initiated because of initiation of a conference call since the GUI is explicitly mentioned to be for "monitoring" a conference call. The citation explicitly states that initiating display of the GUI of Fig. 11 is after the scheduled time set for the

initiation of the conference call, and concurrent with the dialing of the call recipients.

What Lee does not explicitly mentions is what event triggers the presentation of the GUI of Fig. 11 (e.g., *Lee does not explicitly mention that the presentation of the GUI element 310 is automatically triggered or caused by the event of initiation of the collaborative call*). However, given the common knowledge in the art regarding the technique of displaying GUI elements automatically triggered by some event (*refer to Bayless and Pickett for evidence of this common knowledge as also mentioned hereinabove, see Bayless c26:51-67, and Pickett c18:64-c19:2*), it may well be implicit in Lee that the initiation of display of the GUI element of Fig. 11 is automatically triggered by the initiation of the conference call after the scheduled time 1008 has expired.

Nevertheless, for the sake of argument if it is considered that Lee does not implicitly teach that presentation of the GUI element of Fig. 11 is automatically triggered or caused by the event of initiation of the collaborative call, still the purpose of the GUI element of Fig. 11 for "monitoring" a conference call together with the common knowledge of employing the technique of displaying GUI elements automatically triggered by some event is considered to provide ample evidence of common knowledge and motivation/suggestion to make the limitation obvious to those of ordinary skill in the art, as a person of ordinary skill has good reason to pursue the known options within his/her technical grasp and such combination is likely the product not of innovation but of ordinary skill and common sense. Therefore, contrary to the assertion by the Applicant that the statement of obviousness presented in the Final Office Action does not include any factual evidence in support of the statement, the Examiner submits

that the reference used in Final Office Action provides ample facts, evidence demonstrating the extent of common knowledge and motivation/suggestion relied upon for the obviousness rejection.

Regarding Applicants argument, "Lee discloses that prior to the actual calls being placed to the customer and to the call recipients, a web page may be used to monitor the status of each pending call. See Lee col. 10, lines 16-20", the Examiner once again would like to point out as was pointed out in the Final Office Action that the portion of the reference the Applicants are relying on was not relied upon in the rejection. The portion of the reference, col. 10, lines 16-20, describes a GUI element that is illustrated in Fig. 10. The rejection relies upon Fig. 11 and not Fig. 10.

Therefore, the Examiner concludes that the argument presented by the Applicants regarding the rejection of claim 1 is not persuasive. The Applicants have not presented any further argument regarding the rejections of dependent claims 3-4 and 21-22 besides what has been already discussed with regard to the rejection of independent claim 1.

**Response to arguments for rejection of claims 29-33, 35, 37-38 and 40**

For independent claim 29, Applicants submitted similar argument presented for claim 23, saying Pickett does not teach or suggest the limitation "where the second GUI differs from the first GUI", as recited in claim 29. Applicant further argued that Bayless does not cure this deficiency. Applicant also argued that claims 30-33, 35 and 37 are allowable, at least by virtue of their dependence from allowable claim 29.

Since it has already been explained that Pickett teaches the limitation "where the second GUI differs from the first GUI", as recited in claim 29 (*see the response to argument for claim 23 hereinabove*), Applicant's arguments with regard to independent claim 29 and dependent claims 30-33, 35, and 37 are considered not persuasive.

For independent claim 38, Applicants submitted that the Final Office Action admits that Pickett does not disclose initiating presentation of a graphical user interface (GUI) in response to initiation of a collaborative call as recited in claim 38. The Examiner disagrees regarding the alleged admission and asserts that Pickett either implicitly teaches the limitation, or at least makes it obvious, and the reasoning for that has already been provided hereinabove in the response regarding claim 1. Applicant further submitted that Bayless does not cure the deficiency of Pickett. Although the Examiner did not rely on Bayless in the rejection of the above mentioned limitation in the claim, nevertheless the Examiner disagrees with the Applicants on this point. Referring to Fig. 38 Bayless explicitly teaches, "When the user initiates a conference call, the call status objects 382 for the calls participating in the conference are grouped together and

*displayed with conference controller 42" (see c26:51-54). He further mentions, "A user may have several conference calls in progress simultaneously. When this occurs, the user may be presented with multiple conference call containers. Each conference call objects may contain a conference controller 402 and the call objects 388 for each call participating in that particular conference" (see c26:58-63). Referring to Fig. 38 and the above citation from the reference, one can interpret the "conference call container" to be the GUI element claimed and Bayless clearly states that the initiation of the grouping of the call status objects 382 in order to display the conference call container is triggered automatically, e.g., in response to, the initiation of the conference call by the user.*

Therefore, the Examiner concludes that the Applicant's arguments with regard to independent claim 38 is not persuasive. As a result, same rejections have been maintained. The dependent claim 40 has been amended to introduce a new limitation. The argument submitted for the dependent claim with respect to the new limitation is moot due to the new ground of rejection.

**Response to arguments for rejection of claim 36**

For claim 36, Applicants submitted that the combination of Pickett and Bayless does not disclose or suggest each and every element of claim 29, from which claim 36 depends and Goldman does not cure the deficiency. Since it has been already explained above that the combination of Pickett and Bayless teaches and/or makes

obvious each and every limitation of claim 29, the argument is considered to be not persuasive.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1-4, 6, 8-13, 15-22, and 38-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Claim 1 has been amended to recite, "initiating presentation of a graphical user interface (GUI) element **in response to initiation of** a collaborative call" (emphasis added). Support for this limitation is not found in the original disclosure, wherein the graphical user interface is only mentioned to be presented "in connection with" a collaborative call (see line 3 in [0007], line 1 in [0010] and lines 5-6 in [0020]). Claims 2-4, 6, 8-13, and 15-22 inherit this deficiency by virtue of their dependency from independent claim 1.



New claims 38-40 were added in the previous amendment and the independent claim 38 recites, "presenting a graphical user interface (GUI) element **in response to initiation of** a collaborative call" (emphasis added). As mentioned above, support for this limitation is not found in the original disclosure, wherein the graphical user interface is only mentioned to be presented "in connection with" a collaborative call (see line 3 in [0007], line 1 in [0010] and lines 5-6 in [0020]). Claim 39 has been cancelled by the Applicants, while new claims 41-44 has been added by the recent amendment. Thus, currently pending claims 40-44 inherit this deficiency by virtue of their dependency from claim 38.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 23, 26, 29, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Pickett (US 6,154,465).**

For claim 23, Pickett teaches a computer implemented method and system having a computer-readable medium comprising computer-readable data executed by a processor (implied) to

initiate presentation of a host graphical user interface (GUI) (output of the "office attendant type" program which constitutes the GUI of his invention) in connection with a collaborative call (a "collaborative call" is interpreted to be a call between at least two people), the host GUI comprising an administrator icon (172,174,176 or 178 in Fig. 8A, 136,318 or 320 in Fig. 11E) and a listing of call participants associated with the collaborative call (150 in Fig. 8A, also 312 in Fig. 11E);

initiate presentation of a participant GUI having an appearance different than the host GUI (Pickett teaches causing one or more windows to appear on the computers of particular persons in the office to whom a call has been directed. Column 18 lines 22-52. Also, see the response to arguments section of this office action regarding further explanation for the rejection of this limitation); and

update information presented in the host GUI in response to a change of status of a call participant (148 in Fig. 8A reflects the status of the call as mentioned in column 16 lines 21-28. This call status also represents the status of "a participant". Furthermore, referring to Fig. 11E and according to column 23 lines 47-64, when icon 316,318 or 320 is activated resulting in a change of status for a call participant to either in an on-call or off-call status, GUI 310 is updated to list only the participants in on-call status to be displayed in 312).

For claim 26, Pickett further teaches the status of each call participant is selected from a group consisting of an on-call state, an off-call state and a paused-call state since, referring to Fig. 11E, showing a caller in window 312 signifies the status of the

caller being in an "on-call" state, wherein not showing the caller in window 312 signifies the status of the caller being in an "off-call" state. Furthermore, the status indicator 148 in Fig. 8A showing symbols indicating status, such as "active call in progress", "idle", "call on hold" signifies "on-call", "off-call" and "paused-call" states respectively.

For claim 29, Pickett teaches a collaborative call system comprising:

a computing platform (communication system 50 in Fig. 2) operable to be communicatively coupled to a remote host station (computer 24 in Fig. 2 running "office attendant type" program) and a remote participant station (computer 24 in Fig. 2 running a program in companion with the "office attendant type program);

a participant status engine operable to execute on the computing platform and to track a status associated with a corresponding participant of a collaborative call (a software/hardware combination in the computing platform that tracks caller status), wherein the status is selected from a group consisting of an on-call state, an off-call state, a currently speaking state, a waiting to speak state, a paused-call state (referring to Fig. 8A, the status indicator 148 showing symbols indicating status, such as "active call in progress", "idle", "call on hold" signifies "on-call", "off-call" and "paused-call" states respectively); and

a presentation engine (the "office attendant type program" in combination with program running in companion with the office attendant type program, see c18:33-41) associated with the participation engine, the presentation engine operable to initiate presentation of a first graphical user interface (GUI) on the remote host station and a

second GUI on the remote participation station wherein the second GUI differs from the first GUI (already discussed in the rejection of 23 above, also see the response to arguments section for detailed discussion).

For claim 45, Pickett further teaches that the presentation engine is operable to display an image (for example, the symbols displayed in the call/line status display 148 can be interpreted to read on the "image" claimed, see c16:22) or a portion of a document on the first GUI (e.g., the GUI of Fig. 8A) or the second GUI during the collaborative call (e.g., "during" the collaborative call is implicit when the user of the office attendant type program is participating in the collaborative call).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claim 1-3, 6, 8-9, 12, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett.**

For claim 1, Pickett teaches a collaborative call method comprising:

Initiating presentation of a graphical user interface element (window 310 in Fig. 11E) in connection with a collaborative call, the GUI element operable to display a listing of call participants associated with the collaborative call (312 in Fig. 11E); and

updating information presented in the GUI element in response to a change in a status of one or more of the call participants (when icon 316, 318 or 320 is activated resulting in a change of status for a call participant to either in an on-call or off-call status, GUI 310 is updated to list only the participants in on-call status to be displayed in 312, see c23:47-64).

Pickett does not "explicitly teach" initiating the display of GUI element 310 "in response to initiation of a collaborative call" according to the interpretation given hereinabove to the limitation "in response to initiation of a collaborative call" (*e.g., Pickett does not explicitly mention that the presentation of the GUI element 310 is automatically triggered or caused by the event of initiation of the collaborative call*). However, such teaching could be implicit in the reference. Pickett describes how to initiate a collaborative call (*particularly a conference call*) with reference to Fig. 8A, and Fig. 11A-

11C (see c22:21-46 for details on how to initiate a conference call). Then he mentions, "Still preferably, conference call monitor window 310 may be displayed by the office attendant type program, as illustrated in Fig. 11E. As illustrated, window 310 may include window 312 for displaying an identification of all attendees participating in the conference call" (see c23:47-51). It is clear from the above citation that presentation of the GUI 310 of Fig. 11E is initiated because of initiation of a conference call since GUI 310 is explicitly mentioned to be for "monitoring" a conference call. Also, "monitoring" implies after initiation of the call since the task of monitoring a call comes only after a call has been initiated and currently underway. Furthermore, the above citation explicitly mentions that window 312 displays an identification of all attendees "participating" in the conference call. The phrase "participating" also implies that the call has been initiated and currently underway. But, Pickett does not explicitly mention that the display of the conference call monitor window 310 is automatically triggered or caused by the event of initiation of the conference call, as required by the interpretation of the limitation "in response to initiation of a collaborative call". But the technique of displaying GUI elements automatically triggered by some event is considered to be a common knowledge in the art at the time of the invention. For example, Bayless explicitly teaches displaying a GUI element, e.g., a conference call container, when a user initiates a conference call (see Bayless, Fig. 38 and c26:51-67). In fact, the very evidence of this common knowledge can be found in Pickett reference itself. Pickett explicitly teaches employing the technique of displaying GUI elements automatically triggered by some event, in other words, in response to an event. For example, Pickett teaches, "*in the event of a failed*

*transfer, ..., a window preferably is automatically displayed on the computer running the office attendant type program. An exemplary window 208 is illustrated in Fig. 9B" (see c18:64-c19:2).* Therefore, the limitation may very well be implicitly taught by the reference itself. Nevertheless, for the sake of argument if it is considered that Pickett does not implicitly teach that presentation of the GUI element 310 is automatically triggered or caused by the event of initiation of the collaborative call, still the purpose of the GUI element 310 for "monitoring" a conference call together with the common knowledge of employing the technique of displaying GUI elements automatically triggered by some event is considered to provide ample evidence of common knowledge and motivation/suggestion to make the limitation obvious to those of ordinary skill in the art, as a person of ordinary skill has good reason to pursue the known options within his/her technical grasp and such combination is likely the product not of innovation but of ordinary skill and common sense.

For claim 2, Pickett further teaches recognizing that a caller has joined the collaborative call as a call participant (e.g., such recognition is inherently necessary in order to list the caller as the conference attendees list 312 shown in Fig. 12); and presenting a name associated with the caller within the GUI element (e.g., see 312 in Fig. 11E).

For claim 3, Pickett further teaches using a caller ID service to identify a caller joining the collaborative call as a call participant (see column 18 lines 15-21).

For claim 6, Pickett further teaches the status of each call participant is selected from a group consisting of an on-call state, an off-call state and a paused-call state since, referring to Fig. 11E, showing a caller in window 312 signifies the status of the caller being in an “on-call” state, wherein not showing the caller in window 312 signifies the status of the caller being in an “off-call” state (c23:47-64).

For claim 8, Pickett further teaches tracking a caller metric for at least one of the call participants, wherein the caller metric is selected from a group consisting of a call joining time (e.g., begin time), a call exiting time (e.g., end time) and an on-call duration time (e.g., duration) (see Fig. 14).

For claim 9, Pickett further teaches generating a collaborative call report (Fig. 14, also “Call Detail Report” icon in Fig. 15)

For claims 12, Pickett further teaches receiving a signal indicating a desire of a first call participant to communicate with at least a second call participant via the collaborative call (e.g., receiving a voice signal of a first call participant as the participant speaks).

For claims 20, Pickett further teaches the GUI element comprises an administrative feature icon (136,318 or 320 in Fig. 11E), the method further comprising:



recognizing that a caller joins the call (inherent as already discussed in the rejection of claim 2);

determining that the caller is a call host (if the caller is initiating a call then inherently the system recognizes the caller as a call host);

present the GUI element to the host (GUI element of Fig. 11E is presented to the host);

recognizing that a second caller joins the call (again it is inherent that the system recognizes that a second caller joins the call in order to allow the second caller to participate in the call);

present a different GUI element to the second caller (Picket teaches that an office attendant type program may cause one or more windows to appear on the computers of particular persons in the office to whom a call has been directed. Column 18 lines 22-52);

the different GUI element missing the administrative feature (according to Pickett the participant's window may include, for example an animated icon, caller ID information, etc., and may include one or more icons usable to answer the call. Column 18 lines 22-52).

For claim 24, Pickett further implies, or at least makes it obvious, to update participant GUI information in response to the change of status of the call participant because using an animated icon implies changing the icon in response to the status change of the call participant. Nevertheless, even if it is argued that Pickett does not imply such limitation, it would have been at least obvious to make the animated icon

change based on the change of status of the call participant since such technique was well known in the art (*e.g., refer to Fig. 38 in Bayless for evidence of this common knowledge, wherein icons are animated to show active and on hold status*).

**Claims 10-11, 13, 15-19, 25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett in view of Nakata et al (US 2003/0169291) hereinafter Nakata.**

For claims 10,11, 16-19, 25 and 27-28, Pickett teaches producing reports comprising metrics, such as call duration and other call details. Pickett does not explicitly mentions that the report comprises a list of the call participants, a transcript of at least a portion of the call and distributing the report via one of the means consisting of an email, an instant message, a facsimile message and a physical paper message. Pickett also does not mention presenting at least a portion of a transcript in text format within a near real-time chat window associated with the GUI element or creating a blog of the collaborative call. Nakata teaches these limitations. Nakata teaches a desktop conference method that displays the speech of the conference participants in text format in near real-time in a chat area 73 (Fig. 7) using a speech-character conversion function ([0047]). Nakata further teaches that the text of the chat area 73 can be stored as data (constituting a report containing a transcript of the collaborative call or a blog) and distributed after the conference is over via email ([0046]). It would have been also obvious and certainly within the ordinary capabilities of a person skilled in the art to

incorporate in the report a caller metric for at least one of the call participants, since the amount and type of information to incorporate in the report is considered to be a matter of preference and not significant to patentably distinct the instant invention from the references. Therefore, it would have been obvious to a person of ordinary skill in the art given the knowledge available at the time of the invention to combine the teachings of Pickett with that of Nakata in order to reach at the present invention. The motivation for combining the teachings would have been to preserve the conference as electronic data to be reproduced at anytime for future reference (Nakata [0049]).

For claim 13, Pickett does not teach updating the GUI element (310 in Fig. 11E) to indicate the desire. But Nakata teaches that the speech of a participant of the conference call can be displayed as the text document in the chat area through a speech-character conversion function ([0047]). Thus, when a first call participant speaks to indicate a desire to communicate with a second call participant of the conference call, the speech would appear in the chat area which constitutes an update of the GUI element to indicate the desire.

For claim 15, the combination further reads on updating the GUI element to indicate the desire (as already discussed in the rejection of claim 13); recognizing a subsequent communication by the first call participant (inherent in order to continue the collaborative call); and update the GUI element to remove the indication (since, as the conference continues, the indication gets removed due to scrolling of the chat area).

**Claims 1, 3-4 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 7,010,107) hereinafter Lee.**

For claim 1, Lee teaches a collaborative call method comprising:  
Initiating presentation of a graphical user interface element in connection with a collaborative call, the GUI element operable to display a listing of call participants (1102, 1104 and 1106 in Fig 11); and updating information presented in the GUI element in response to a change in a status of one or more of the call participants (1108, 1110 in Fig. 11, column 10 lines 25-39).

Lee does not "explicitly teach" initiating the display of GUI element of Fig. 11 "in response to initiation of a collaborative call" according to the interpretation given hereinabove to the limitation "in response to initiation of a collaborative call" (e.g., *Lee does not explicitly mention that the presentation of the GUI element of Fig. 11E is automatically triggered or caused by the event of initiation of the collaborative call*). However, similar to Pickett, the limitation could be implicit in Lee as well. This is because, like Pickett, Lee also teaches a GUI element (e.g., *the GUI element of Fig. 11*) to be displayed because of and concurrent to initiation of a collaborative call so that a customer can "monitor" and "moderate" the call. Lee says, "After the schedule time 1008 has expired, a first call is placed to the customer 101, and subsequent calls then simultaneously placed with each of the call recipients. Concurrent with the dialing of the call recipients, the customer 101 has the option of monitoring the status of the conference by means of the

*exemplary graphical user interface illustrated in Fig. 11" (see c10:25-31).* It is clear from the above citation that presentation of the GUI of Fig. 11 is initiated because of initiation of a conference call since the GUI is explicitly mentioned to be for "monitoring" a conference call. The citation explicitly states that initiating display of the GUI of Fig. 11 is after the scheduled time set for the initiation of the conference call, and concurrent with the dialing of the call recipients. What Lee does not explicitly mention is what event triggers the presentation of the GUI of Fig. 11 (e.g., *Lee does not explicitly mention that the presentation of the GUI element 310 is automatically triggered or caused by the event of initiation of the collaborative call*). However, given the common knowledge in the art regarding the technique of displaying GUI elements automatically triggered by some event (*refer to Bayless and Pickett for evidence of this common knowledge as also mentioned hereinabove, see Bayless c26:51-67, and Pickett c18:64-c19:2*), it may well be implicit in Lee that the initiation of display of the GUI element of Fig. 11 is automatically triggered by the initiation of the conference call after the scheduled time 1008 has expired. Nevertheless, for the sake of argument if it is considered that Lee does not implicitly teach that presentation of the GUI element of Fig. 11 is automatically triggered or caused by the event of initiation of the collaborative call, still the purpose of the GUI element of Fig. 11 for "monitoring" a conference call together with the common knowledge of employing the technique of displaying GUI elements automatically triggered by some event is considered to provide ample evidence of common knowledge and motivation/suggestion to make the limitation obvious to those of ordinary skill in the art, as a person of ordinary skill has good reason

to pursue the known options within his/her technical grasp and such combination is likely the product not of innovation but of ordinary skill and common sense.

For claim 3, Lee further teaches using a caller ID service to identify a caller joining the collaborative call as a call participant (c6:7-10).

For claim 4, Lee further teaches prompting caller joining the collaborative call as a call as a call participant to speak in connection with identifying the caller (c9:55-59).

For claims 21 and 22, Lee further teaches the GUI element comprises an administrative feature icon (1108, 1110 in Fig. 11) operable to trigger termination of a web session associated with the collaborative call (c10:25-39), the method further comprising: recognizing that a caller has joined the collaborative call (402 in Fig. 4); determining that the caller is a call host (inherent since the system calls the host who is the customer); and initiating presentation of the GUI element on a display associated with the call host (the GUI of Fig. 11 is made available to the host for display) and receiving a signal indicating activation of the administrative feature icon and terminating the web session.

**Claims 30-33, 35, 37-38, and 41, 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett in view of Bayless et al. (US 6,192,118 B1) hereinafter Bayless.**

For claim 30, Pickett teaches the first GUI comprises a list of call participants (150 in Fig. 8A, Pickett mentions, "Also adjacent to the line display ... are user identification display 150, which serve to display the name and/or extension or telephone number of one or both parties to a call" (c16:28-31), also 310 of Fig. 11E shows a list of call participants) . Pickett does not teach the first GUI comprises a status icon for each participant. But Bayless teaches displaying a status icon for each participant (see 382 in Fig. 38). Therefore, it would have been obvious to a person of ordinary skill in the art to modify Pickett with this teaching of Bayless in order to arrive at the present invention. The motivation for such combination would have been to provide more user-friendly user interface by incorporating visual display of icons indicating the status of each participant of the collaborative call.

For claim 31, Pickett teaches a communication engine (software/hardware responsible for providing the call log and call detail report) operable to initiate communication of a call report to the remote host station (Fig. 14 and 15, c38:18-50). Pickett does not explicitly teach initiating communication of a call report "in response to completion of the collaborative call", in other words, although communicating a call report is taught, it is not explicitly stated that such communication is "in response to completion of the collaborative call". But it has been already mentioned that the technique of triggering a specific action in response to an event was well-known in the art at the time of the invention as demonstrated by both Pickett and Bayless. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the

combined invention of Pickett and Bayless to initiate communication of a call report "in response to completion of the collaborative call" as an additional feature for user convenience, as a person of ordinary skill has good reason to pursue the known options within his/her technical grasp and such combination is likely the product not of innovation but of ordinary skill and common sense.

For claim 32, Pickett further teaches an update engine associated with the presentation engine, the update operable to initiate an updating of the first GUI and the second GUI in response to a change in the status of a particular participant (already discussed in the rejection of claim 23 and 24).

For claim 33, Pickett further teaches a thin client operable to execute at the remote host station because the "office attendant type" program executing at the remote host station can be considered a thin client software since it only handles the user interface where the bulk of the processing is carried out on the servers making up the communication system 50.

For claim 35, Pickett further teaches that the collaborative call comprises a voice over IP (VOIP) call (column 11 lines 24-34, column 13 lines 9-11).

For claim 37, Pickett further teaches a next to speak engine associated with the presentation engine (software modules within the "office attendant type program")



providing/handling functionalities of joining a call), the next to speak engine operable to recognize a desire of one of the call participants to communicate via the collaborative call (e.g., among many examples, one example is when "join" button 316 in Fig. 11E is pressed, certain software modules in the "office attendant type program" recognizes the desire of the user to communicate via the collaborative call ) and to initiate presentation of an indication of the desire in the first GUI (presentation of an indication of the desire to communicate by pressing the "join" button 316 would have been to show the user among the attendees list 312). Additionally, or in the alternative, modifying the combined invention to incorporate an alternative mechanism for recognizing a desire of one of the call participants to communicate via the collaborative call and to initiate presentation of an indication of the desire in the first GUI would have been obvious to those skilled in the art based on common knowledge and common sense. This is because, in real world collaborative conversation, for example in a class-room setting, it is a common practice that when one of the participants in a group discussion wants to speak, he/she would raise his/her hand to indicate the desire to speak before speaking to avoid confusion resulting from multiple participants speaking at the same time. Thus it would have been obvious to incorporate a mechanism in a collaborative call to emulate the "hand raising" practice to indicate a desire of one of the participants to speak motivated by the same reason for doing so in the group discussion setting in real world.

For claim 38, Pickett teaches a computer implemented method comprising:

presenting a graphical user interface (GUI) element (GUI element 310 in Fig. 11E) in response to initiation of a collaborative call (obvious over Pickett, as already discussed in the rejection of claim 1) comprising two or more call participants, the GUI element operable to display a listing of the two or more call participants (312 in Fig. 11E, c23:49-51), the listing including a participant status associated with each of the two or more call participants (obvious over Pickett in view of Bayless as already discussed in the rejection of claim 30 above); and

updating information presented in the GUI element in response to a change in the participant status of one of the call participants (already discussed above in the rejection of claim 1 and claim 29);

wherein the participant status is related to activity by the corresponding call participant during the collaborative call (e.g., in Pickett, regarding GUI 310 of Fig. 11E, the user activating “Add” button 318 or “Remove” button 320. Alternatively, activity in part of any one of the users resulting in either “on-call” or “off-call” status).

For claim 41, Pickett further teaches automatically delivering an audible indication to the call participants when a host begins speaking (e.g., the voice signal of the host as the host begins speaking).

For claim 43, Pickett further teaches that a first call participant participates in the collaborative call via a wireless device and a second participant participates in the collaborative call via Public Switched Network (PSTN) (e.g., since Pickett teaches

handling calls using both POTS, e.g., Public Switched Telephone Networks is also known as Plain Old Telephone System or POTS, see c13:10 and wireless, see c7:4).

For claim 44, Pickett further teaches that a first call participant participates in the collaborative call via a computer (e.g., one of the computer 24 as shown in Fig. 2) and a second participant participates in the collaborative call via a wireless device or Public Switched Telephone Network (as pointed out in the rejection of claim 43).

**Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett in view of Bayless and further in view of Lee.**

For claim 40, neither Pickett nor Bayless teaches communicating data to a calendar program associated with one of the call participants wherein the data is communicated via a software package. However, Lee teaches communicating data to a calendar program associated with one of the call participants wherein the data is communicated via a software package (see c8:23-29). Thus it would have been obvious to modify the combined invention of Pickett and Bayless with this technique of Lee in order to arrive at the present invention. The motivation for such combination would have been to schedule a call at the convenient time for at least one call participant.

**Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett in view of Bayless and further in view of Goldman et al. (US 6,134,235) hereinafter Goldman.**

For claim 36, Pickett teaches all limitations of the claim except that the system comprises an interactive voice response unit communicatively coupled to the computing platform and operable to allow at least one participants to access information associated with the collaborative call via a voice telephone call. Bayless also does not teach this missing limitation. But Goldman teaches the limitation. Goldman teaches that it was a well-known technique at the time of the invention to use IVR unit to allow callers to retrieve specific information using voice commands (column 2 lines 10-13). Therefore, it would have been obvious to a person of ordinary skill in the art given the knowledge available at the time of the invention to combine the teachings of Pickett and Bayless with that of Goldman to use an interactive voice response unit to allow a participant to access information associated with the collaborative call. The motivation would have been to allow participants to access information related to the collaborative call at their convenience without waiting for a service representative (Goldman, column 2 lines 16-18).

**Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett in view of Bayless and further in view of Sawyer et al. (US 6,324,271 B1) hereinafter Sawyer.**

For claim 42, Bayless teaches announcing capabilities, but does not teach automatically delivering an audible announcement to the call participants when one or more of the call participants has left the collaborative call. However, Sawyer teaches

this limitation (c7:36-38). Therefore, it would have been obvious to modify the combined invention of Pickett and Bayless with Sawyer in order to arrive at the present invention. The motivation for such modification would have been to enhance user experience during a collaborative call.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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